

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Christal W. Pereira,

334 Bethlehem Church Road  
Moore, South Carolina 29369.

SCDI File Number 2000-104774

**Default Order Revoking  
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon Christal W. Pereira by both certified mail, return receipt requested, and by regular mail on December 19, 2000.

That letter informed Pereira of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. The letter further warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Pereira has failed to respond to the Department's letter. On February 13, 2001, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for Monumental Life Insurance Company, Pereira failed to turn-over or satisfactorily account for \$1,907.45 in insurance premiums collected from citizens of this State.

Section 38-43-130 of the South Carolina Code provides the Director or his designee "may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State." This Code Section goes on in Subsection (3) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, "failing to transmit promptly or pay all or a portion of the amount of an insurance premium when the agent...has received payment from a customer or insured."

In accordance with my findings of fact, and considering Pereira's failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that Pereira violated S.C. Code Ann. § 38-43-130 (3) (Supp. 2000) and that her resident insurance agent's license should be revoked.

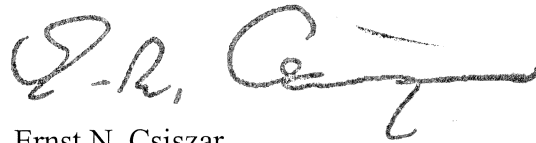
This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under

the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(4) (Supp. 2000).

It is, therefore, ordered that the license of Christal W. Pereira to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Christal W. Pereira is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in dark ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar  
Director

13 February 2001, at  
Columbia, South Carolina

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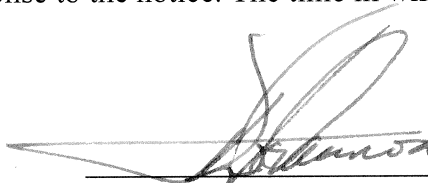
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**Affidavit of Default**

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

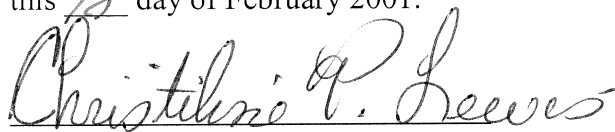
The Department served notice on Christal W. Pereira at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke her license to act as a resident insurance agent within the State of South Carolina in ten days. The Department served that notice on December 19, 2000, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 1999), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That letter further notified Pereira of her opportunity, within ten days, to request in writing a public hearing.

The United States Postal Service effected service of the notice by certified mail, return receipt requested, and by regular mail, on or about December 26, 2000. Pereira has made no request for a public hearing or any other response to the notice. The time in which to do so has expired. She is now in default.



T. Douglas Concannon  
Associate General Counsel

Sworn to and subscribed before me  
this 13<sup>th</sup> day of February 2001.



Christiline P. Lewis, Notary Public  
My Commission Expires 11/20/06

South Carolina Department of Insurance  
Post Office Box 100105  
Columbia, South Carolina 29202-3105  
(803) 737-6132